

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

EZEKIYAL WELLS,

Plaintiff,

vs.

RALSTON PUBLIC SCHOOLS,

Defendant.

8:23CV226

ORDER TO SHOW CAUSE

This matter comes before the court after a review of the docket.

Plaintiff commenced this action against Defendants, Ralston Public Schools and Thomas Earhart, on May 26, 2023. ([Filing No. 1](#)). Both Defendants filed Rule 12(b) motions to dismiss Plaintiff's claims. ([Filing No. 8](#); [Filing No. 13](#)). On September 28, 2023, the Court entered a Memorandum and Order ([Filing No. 18](#)) granting Defendant Earhart's motion to dismiss, but denying Defendant Ralston Public Schools' motion to dismiss "to allow Plaintiff to amend his complaint to include damages that are cognizable under Title VI." The Court clarified "that the only issue left remaining in this case is the Title VI claim against the Ralston School District." The Court ordered Plaintiff to file an amended complaint within 14-days of the order.

More than 14-days have passed since the Court entered its order, and Plaintiff has not filed an amended complaint. The Federal Rules of Civil Procedure and this district's local rules contemplate dismissal of a case on the grounds that the plaintiff failed to prosecute or failed to comply with orders of the court. [Fed. R. Civ. P. 41\(b\)](#) (providing that an action may be involuntarily dismissed "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order"); [Link v. Wabash R.R. Co.](#), 370 U.S. 626, 630-31 (1962) (stating the district court possesses the power to dismiss *sua sponte* under Rule 41(b)). The Court required Plaintiff to amend his complaint to include cognizable damages as to the only remaining claim, but he failed to do so. Under the circumstances, Plaintiffs must make a showing of good cause for his failure to comply with the Court's order and failure to prosecute his case, or the action must be dismissed. Accordingly,

IT IS ORDERED: On or before **November 6, 2023**, Plaintiff must show cause why this case should not be dismissed for failure to comply with the Court's order and failure prosecute, or take some other appropriate action.

Dated this 16th day of October, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge